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Before the  
Federal Communications Commission  
Washington, DC 20554

In the Matter of )  
 )  
Amendment of Section 73.202(b), )  
Table of Allotments, )  
FM Broadcast Stations. )  
(Emmetsburg, Sanborn and Sibley, Iowa, )  
and Brandon, South Dakota) )

MM Docket No. 01-65 /  
RM-10078  
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**MAY - 8 2001**

FEDERAL COMMUNICATIONS COMMISSION  
OFFICE OF THE SECRETARY

To: Chief, Allocations Branch  
Mass Media Bureau

**REPLY COMMENTS**

Saga Communications of Iowa, LLC ("Saga"), by its attorneys and pursuant to Sections 1.415 and 1.420(d) of the Commission's Rules, hereby files its Reply Comments in connection with the Commission's proposed amendment of Section 73.202(b) of the Rules as set forth in the Commission's *Notice of Proposed Rule Making*, DA 01-564, released March 2, 2001 ("NPRM") that proposes to (a) delete Channel 262A from Sibley, Iowa, and (b) substitute Channel 261C3 for Channel 261A at Emmetsburg, Iowa, with a corresponding modification of the license of KDWD (formerly KEMB), Emmetsburg, to operate on Channel 261C3. On April 23, 2001, Saga filed a Counterproposal that proposes to substitute Channel 261C3 for vacant Channel 261A at Brandon, South Dakota.<sup>1</sup> On April 23, 2001, Eisert Enterprises, Inc. ("Eisert"), licensee of KDWD, filed a pleading styled "Comments and Counterproposal" that proposes to allot Channel 261C3 to Emmetsburg and also substitute Channel 264A for Channel 262A at Sibley, Iowa, and reallocate Channel 264A to Sanborn, Iowa, as its first local service. In reply, Saga shows the following:

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<sup>1</sup> Reply Comments are due by May 8, 2001, so this pleading is timely filed.

No other party filed comments in the proceeding. In connection with its Comments and Counterproposal, Eisert provided Technical Comments to support its request showing that Channel 264A could be allotted to Sanborn, an incorporated community of 1,345 persons located in O'Brien County, Iowa.

Saga has studied Eisert's counterproposal, and supports the allotment of Channel 264A to Sanborn with the concurrent upgrade of Channel 261A at Brandon, South Dakota, to Channel 261C3 as proposed by Saga. The attached Technical Comments show that the allotment of Channel 264A to Sanborn does not preclude the allotment of Channel 261C3 to Brandon.

The allotment of Channel 261C3 to Brandon and Channel 264A to Sanborn is preferred to the allotment of Channel 261C3 to Emmetsburg and Channel 264A to Sanborn. Assuming maximum class facilities, the total population within the 60 dBu contour of Channel 261C3 at Brandon and Channel 264A at Sanborn will be 175,923. The total population receiving a 60 dBu or better signal from Channel 261C3 at Emmetsburg and Channel 264A at Sanborn is only 76,542 persons. Therefore, Saga's proposal to upgrade Brandon to Class C3 will provide service to 99,381 more persons--over twice the population--than Eisert's proposal.

Additionally, the Technical Comments note that Brandon has grown 108% since 1980, Emmetsburg has lost 20.1% population and Sanborn's population has remained stagnant (1% loss).

Under *Revision of FM Assignment Policies and Procedures*, 90 FCC 2d 88, 92 (1982), the Commission's assignment priorities are (1) first aural service, (2) second aural service, (3) first local service, and (4) other public interest matters. Priorities 2 and 3 are given equal weight. Using these procedures, Saga's counterproposal is clearly superior. In paragraph 2 of its Counterproposal and Comments, Eisert states "If the Commission substitutes Channel 264A for

Channel 262A at Sibley an allots the channel to Sanborn, Eisert pledges to promptly file an application to construct a station on Channel 264A at Sanborn and promptly construct the station upon grant of the application.” Eisert's unequivocal expression of interest, not contingent upon the upgrade of Channel 261C3 to Emmetsburg guarantees that Sanborn will receive new service under either proposal. Thus, the allotment of Channel 264A to Sanborn and the allotment of Channel 261C3 to Brandon results in a preferential arrangement of allotments based on Priority 4 – other public interest matters – since a vastly greater population would receive 60 dBu service as a result (the allotment of Channel 264A to Sanborn as a first local service would occur under either scenario, so Priority Three would not come into consideration.).

### **Conclusion**

In light of the above, the Commission should deny Eisert’s proposal to allot Channel 261C3 to Emmetsburg, and instead, substitute Channel 264A at Sanborn for Channel 262A at Sibley, Iowa; and substitute Channel 261C3 for Channel 261A at Brandon, South Dakota as outlined in the following table:

<b>Iowa</b>		
<b>Community</b>	<b>Present Channel</b>	<b>Proposed Channel</b>
Sanborn	--	264A
Sibley	262A, 282A	282A
<b>South Dakota</b>		
Brandon	261A	261C3

Saga again restates its intention to file an application for a construction permit to use Channel 261C3 at Brandon, South Dakota, and to construct a station on the channel, in the event it is allotted.

Respectfully submitted,

**SAGA COMMUNICATIONS OF IOWA, LLC**

A handwritten signature in black ink, appearing to read 'Smithwick', written over a horizontal line.

By: \_\_\_\_\_

Gary S. Smithwick  
Its Attorney

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May 8, 2001

**TECHNICAL REPLY TO COMMENTS**  
**MM Docket No. 01-65, RM-10078**  
**Saga Communications of Iowa, LLC**  
**(Brandon, SD, Emmetsburg, Sibley & Sanborn, IA)**  
May 2001

This Technical Exhibit supports the Saga Communications of Iowa, LLC ("Saga") comments to upgrade Channel 261A at Brandon, South Dakota to Class C3 and delete Channel 262A at Sibley, Iowa. The original proposal by Eisert Enterprises, Inc. ("Eisert") would delete Channel 262A at Sibley and upgrade Eisert's station KEMB at Emmetsburg, Iowa from Channel 261A to 261C3. Only one upgrade will be possible<sup>1</sup> assuming the deletion of the Channel 262A allocation at Sibley. Eisert filed in their reply comments a request that Channel 264A be assigned to Sanborn, Iowa.

Saga has no objection to Channel 264A being assigned to Sanborn, IA. The assignment of this channel does not effect Saga's proposal to upgrade Channel 261 to Class C3.

Assuming maximum class facilities, the total 1990 population within the 60 dBu of Channel 261C3 at Brandon and Channel 264A at Sanborn will be 175,923. The total population receiving a 60 dBu or better signal from Channel 261C3 at Emmetsburg and Channel 264A at Sanborn is 76,542 persons. Therefore, the Saga proposal to upgrade Brandon to Class C3 will provide service to over twice the number of persons as the Eisert proposal at Emmetsburg.

In addition, looking at population history for the communities, we find that Brandon, SD has grown 108% since 1980, Emmetsburg has lost 20.1% and Sanborn's population has remained stagnant. This is in accordance with the US Census Bureau.


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<sup>1</sup> Channel 261C3 can be used either at Brandon or Emmetsburg, but not both. The Class A facility can remain in Emmetsburg if the Brandon allocation were upgraded to Class C3.

# COMMUNITY POPULATION DATA<sup>2</sup>

Community	1980	1990	1999 (est.)	1980/1999
Brandon, SD	2,589	3,543	5,392	+108%
Sanborn, IA	1,398	1,345	1,384	-1%
Emmetsburg	4,621	3,940	3,694	-20.1%

**Bromo Communications, Inc.**



William G. Brown  
Consultant to Saga Communications, Inc.

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<sup>2</sup> All census data provided by the US Census Bureau. 1999 Census is an estimate and the latest information available for these communities. Results of the 2000 Census for these communities will not be released until 2003.

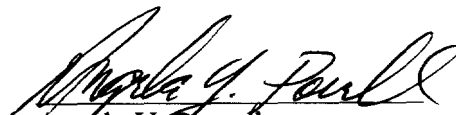
## CERTIFICATE OF SERVICE

I, Angela Y. Powell, a paralegal in the law offices of Smithwick & Belendiuk, P.C., hereby certify that on May 8, 2001, copies of the foregoing Reply Comments were sent via First Class Mail, postage pre-paid to the following:

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Angela Y. Powell